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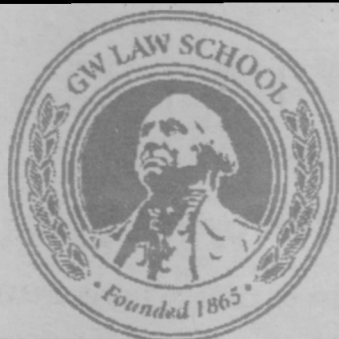
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NOTA BENE

Newspaper of the George Washington University Law School

Vol. 6, No. 4

Tuesday, October 19, 1999

Domestic Violence Awareness Week

GW students to host programs during week of October 18, 1999

By CHERYL DEMMA &
HEATHER J. FISH

From October 18 - October 22, the GWU Students Against Domestic Violence Coalition will be hosting the first Domestic Violence Awareness Week at the law school. As the name of the week suggests, the GWU DV Coalition is trying to raise awareness of domestic violence issues within the legal profession.

According to Heather Fish, co-chair of the Coalition, "We skirt the issue of domestic violence in law school. It is talked about in family law classes, some of the criminal law classes, and maybe briefly mentioned in a handful of others, but every law student is not exposed and required to think about how domestic violence issues will affect their practice of law." This week's events were designed to make students and professors understand domestic violence IS YOUR business.

Domestic Violence Awareness Week kicked off yesterday with a brown bag lunch. Professors Bowers, Cheh, DeSanctis, Dutton, Meier, and others discussed with students their experiences in the domestic violence field. The brown bag was a great opportunity to learn more about domestic violence issues while getting to know professors. Today, members of the GWU DV Coalition will dis-

tribute domestic violence fact sheets and ribbons outside the Foggy Bottom Metro. Wear a purple ribbon to show

your support for ending domestic violence. Starting on Wednesday, the GWU DV Coalition along with the Equal Justice Foundation (EJF) will be collecting professional clothing for women of limited means, to enable them to work and go on job interviews. Clothes must be clean and in good condition. Donations can be left in the Burns Alcove Wednesday through Friday.

On Thursday, October 21, the Honorable Stephen Milliken, DC Superior Court, will give a talk at 5PM in L401 on his experiences and how domestic violence affects the legal profession. This event is being co-sponsored by the GWU DV Coalition and the Office of Student Affairs. A reception in the Faculty Lounge will immediately follow the discussion.

Finally, anyone interested in learning more about domestic violence issues or joining the GWU DV Coalition can pick up information all week in the Burns Alcove or contact Heather Fish (3L Day) and Anjali Nagpaul (2L Day).



Pictured l-r: Professors Bowers, Meier, and DeSanctis, who all participated in yesterday's brown bag.

Cheh on Double Jeopardy - Fact or Fiction?

By MATTHEW GELLER
Staff Writer

Warning: This article will discuss some essential plot developments in the movie. If you do not want to know how the movie concludes, do not read this article.

If you read "Shouts" two weeks ago, you know that I reviewed *Double Jeopardy*, a legal thriller starring Tommy Lee Jones and Ashley Judd. As the title states, this movie dealt with the Double Jeopardy Clause of the Fifth Amendment to the Constitution, which states, in part, that "... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb..." In short, this means that no one can be tried twice for the same offense. In the movie, Judd's character, Libby Parsons, is tried and convicted of murdering her husband. Her husband, however, is not dead. He set Libby up. The rest of the film consists of Libby tracking down her non-deceased husband, under the legal assumption which states that since she has already

been convicted of killing her husband before, she can really kill her husband now, without any legal repercussions. This sounded a might fishy to me, so I sought some advice. Professor Mary Cheh was willing enough to visit The Balcony and discuss the legal arguments surrounding *Double Jeopardy*.

Professor Cheh started out by saying that this issue has been widely discussed in the criminal procedure professors' circle, via an internet listserv, and there have been many different arguments bouncing around the Web. Cheh continued by stating that "The rule about double jeopardy is that you can't be tried for the same offense. So a lot of weight is put on 'What do we mean by the same offense?' Typically, a person can only die once, so the killing of the husband the second time is the same offense. If you take a classical view of double jeopardy, the actual killing of the husband would be the same offense." Therefore, this classical view of double jeopardy seems to give Libby a free shot at knocking off her husband. Alas, as in many things in law, things are just not that simple.

"Others professors have been struggling to find some way out of that box," said Cheh. "Other people have stated, for example, that it would not be the same offense because the second event would have happened at another time. But then the retort to that was, 'That doesn't work be-

cause, for example, when you rob a bank on day one, and you rob the same bank on day two, and take the same amount of money, it's two crimes, for which you can have two convictions.' But the retort to that was 'You can still only be murdered once, and therefore it's still the same offense.'"

Clearly, this is a sticky problem that cannot be squared away with a simple conclusion, as in the movie. Surprisingly, there is a way out this morass that the movie does not capitalize on. "There is a twist in the case which is actually consistent with double jeopardy law," according to Cheh. "Because Libby kills her husband in Louisiana, but was convicted of killing her husband before in Washington State, there are two different jurisdictions at work. Under double jeop-

ardly law, jeopardy does not attach when you are tried in a different sovereign. For example, the police officers in the Rodney King case were acquitted initially in state court, but federal charges were then brought against them, and they were convicted. The two prosecutions were allowed because there were two different jurisdictions at work—state and federal. This would have been an easy out for the movie, but it avoids that more interesting question—What if it were the same jurisdiction?"

So how would Professor Cheh address the more interesting question? "My take

See CHEH on page 3



*"The law is flexible enough for a court to find a way out. Double jeopardy is not an ironclad rule under any circumstances."
-Professor Cheh*

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News Briefs

International Journal Spanks Law Review

At the GW Journal House Kickball Invitational Death Challenge Tournament of Champions Fall Classic, held last Friday at the fields on the Mall, the International Journal of Law and Economics decisively "kicked Law Review butt." The final score was 27-10.

Law Review, who challenged International had a strong showing of nine players. International came up with only six, but still managed to clinch the victory in seven innings. Law Review advertised the match under the heading "Prepare to be spanked!" GW's most prestigious journal, however, received the spanking.

The final score was actually 26-9, but according to George Burkoski, Managing Editor of the International Journal, Law Review wanted a double digit score. The teams negotiated to add one point to each side. The result was the same, however, and International took home the trophy--a stuffed goose.

The game was a defensive struggle for both sides. Burkoski adds, "Jackie Java [of International] was the star of the game. She went 10 for 10 with 11 RBI's."

There is no word yet of a rematch.

Patent Professor turns Proud Papa

On Tuesday, October 12, 1999, the same day the United Nations marked as the birthday of the sixth billionth person, Professor John R. Thomas became the proud father of Karen, a healthy and beautiful baby girl. An overjoyed Steven Kameny said, "Professor Thomas has been blessed with his first child. He's kvelling with pride!"

EDITORIAL

Up the Down Staircase

The byzantine layout of the George Washington University Law School has resulted in quite sizable buildings being divided into numerous small spaces of dubious utility. Purposeless hallways, and small rooms, spliced together in an illogical manner make one feel like Kafka's Joseph K making his way through a spirit crushing maze-like castle. Perhaps the layout is due to the architect's pessimistic expression of the law and legal process: contradictory, confusing, and hopeless.

We can only imagine how first years feel as they try to complete their oh-so-challenging research assignments while they bump and grind past one another in the small crawl spaces between the various reporters and digests. Like a school of piranha in a small pool of water attacking a hapless animal unfortunate enough to fall in, the first years scramble and compete for information necessary to complete their research.

Which leads to the question, why aren't first years allowed to access online research during the first semester? According to the lines spouted by administration indoctrinated dean's fellows, we must learn how to book research first in case we find

jobs at small law firms that cannot afford West and Lexis fees. However, this reasoning overlooks the fact that many small law firms are able to compete with the big ones because on line resources takes the place of large libraries that only large law firms can afford. Though book research is undoubtedly a valuable skill, it is one which can be better taught through a few trips to the library with a Dean's Fellow. Admittedly, students are taught on-line research during the second term. Yet considering that we live in the internet era, shouldn't even more time be spent teaching on-line skills? A computer savvy 1L who knows how to research quickly and thoroughly (and therefore, cheaply) would be a hot commodity in the summer legal job market indeed. It would be wise for the law school to teach students efficient methods of online research.

The administration knows that its physical plant holds the school back in the rankings. While it has announced plans for additional space, these will not be fulfilled for another few years. In the meantime the school should take measures to offset the ill effects of our physical plant by focusing more on computers and law in cyberspace. With more computers and wider internet access, our school can use technology to negate its small size and compete with the larger libraries of other schools.

There are however, other steps the administration can take to make the library a more pleasant place to work. The editors of the *Nota Bene* are tired of squeezing past people on the way up and down the staircases in the Burns Law Library. Anyone who has spent any time in the library realizes that the staircases are small and inadequate. In order to solve this problem, the administration should designate one of the stairwells as 'Up' and the other as 'Down'. This will eliminate the right of way problems caused as book-bag laden law nerds try to get past one another.

Views expressed herein do not necessarily reflect the views of the George Washington University Law School. House Editorials represent the views of a majority of Nota Bene's Editorial Board. Any person objecting to views expressed in House Editorials are invited to express their opinions in a letter to the editor. Editorial Policies of Nota Bene are available for inspection by any person during normal business hours.

HOUSE
EDITORIAL

CDO responds to FIP v. NAPIL

BY NANCY CARVER, DIRECTOR OF CAREER DEVELOPMENT

To the Editor:

I am writing in response to the House Editorial in the October 5, 1999, edition of *Nota Bene* in which the CDO is asked to explain "Why the inequities in the two interviewing programs?" To compare the Fall Interview Program and the NAPIL Job Fair is similar to comparing apples with oranges. Different types of employers recruit and hire through different methods and the CDO does its best to facilitate the process for all involved. Any employer seeking to recruit upperclass students for summer or permanent employment is invited to participate in the Fall Interview Program. Had the editors interviewed the CDO prior to writing the editorial, they would have been able to report that the Fall Interview Program sustains itself. The CDO pays for any public interest or government organization who want to conduct interviews at the St. James Hotel or in the regional interview programs. All private sector employers who interview through the fall program must pay for the cost of the interview room, Federal Express delivery and incidental costs themselves. The new OCI+ System came at no cost to the CDO and actually saved money for all involved as we did not have to pay temporary workers to sort resumes. Government and public interest employers were able to use OCI+ free of charge.

I actually participated in the planning and execution of the first NAPIL Job Fair 13 years ago. Law school career development offices, NALP, and NAPIL created the job fair in order to offer students interested in public interest employment a forum through which they could meet with employers and students at other schools with the same goals and career desires. The fair is held during the fall semester, not as an attempt to rival the large firm recruitment process, but to offer information, insights and contacts to those students interested in pursuing public interest employment at a time when their peers are pursuing private law firm positions.

Additionally in February, the CDO and the Career Services Office at Georgetown Law Center offer an Annual Public Interest/Government recruitment program. Last year 72 employers participated in the program. Over the past four years we have doubled the participation in that program. The CDO will use the new OCI+ system to administer the 2000 Public Interest/Government Interview Program. This program is planned and scheduled to meet the needs and the hiring time lines for public interest and government employers.

The editor(s) made several inaccurate statements in the editorial which I would like to correct. First, the NAPIL Job Fair is administered through the NAPIL office not the CDO. The statement that CDO librarians did not know when the information was arriving is true because NAPIL sent the materials to us late this year. The CDO staff made no fewer than 10 calls to NAPIL in order to ascertain when the information would be available. NAPIL finally sent us the information approximately two weeks after it was supposed to be available. NAPIL only sent one master copy of the list to each law school and requested that we copy the information for distribution or have students download the information from their website. As the information was late, NAPIL extended the deadline for students to send resumes to participating employers by two weeks. This information was not corrected in the copy received from NAPIL and was handwritten in by a CDO staff

member so all students would have accurate information. NAPIL, not the CDO, stipulates that the students submit the resumes directly to the employer(s). The editorial states that there is no mention of the NAPIL Fair in *Noteworthy*. The September 20, 1999, *Noteworthy* banner headline stated "NAPIL Job Fair, October 29, 1999" and detailed information about the job fair was printed on the front page. Information was also sent through the CDO listservs. Your editorial further states that "Even the Judicial Clerkship Committee mails out all of the student application packets..." which is inaccurate. The Law School only mails professorial recommendations. Students pursuing clerkships pay the costs of mailing their application packets.

The Career Development Office strives to meet the needs of students in the job search process and employers seeking students to fill their part-time, full-time, summer and permanent job openings. The most distressing part of our job is the perception by students that the CDO caters only to those students in the top of the class and that we concentrate most of our time and resources on the Fall Interview Program; nothing is further from the truth. Any job seeking process can be frustrating and often disappointing. However, uninformed criticism of the Career Development Office such as the recent editorial in *Nota Bene* demonstrates a deep misunderstanding by a portion of the student body of the CDO's purpose. CDO support services stretch far beyond the Fall Interviewing Program. Our services included over 75 programs last year, approximately 3,000 hours of one-on-one consulting sessions with students and alumni, and outreach to employers. The CDO has a hard-working and dedicated staff who are here to support each student in any and all career pursuits.

Nota Bene would like to thank the CDO for their response to FIP v. NAPIL, and for clearing up any misconceptions. We talked to Nancy Carver, and asked her to address the issue about why the only major on-campus interviewing program (not including the relatively small public interest fair held in the spring) hosted mainly large firms, the very employers that a great number of soon-to-graduate law students are precluded from getting jobs at, whether because of grades or interest level. We were told that because of the difference in recruiting styles of large firms, small firms, public interest, etc., only large firms attend FIP, despite the fact that it is open to all. Other types of employers are recruited through CDO marketing and mailings. Apparently, if not for these techniques, these employers would never know that there is a huge law school in the middle of D.C. that graduates hundreds of new lawyers every year.

Furthermore, given the fact that the most important aspect of law school is finding a job, especially when faced with \$100,000 in debt, the CDO should not be distressed that a substantial portion of the student body misunderstands the CDO's purpose. Any misconceptions students carry about the CDO is not the students' fault. Rather than complain of students' misconceptions, the CDO should strive to meet and go beyond the expectations students have.

*Nota Bene would also like to point out that the house editorial did not state that NAPIL was not mentioned in *Noteworthy*, rather it stated that "there is mention of it in *Noteworthy*," referring to the September 20 issue.*

WRITE A LETTER OR AN OPINION TO THE EDITOR

LETTERS FOR NEXT ISSUE DUE

10/28/99

PLEASE LEAVE SUBMISSIONS IN THE

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Spotlight on
Student Groups:
APALSA

BY JENNY SPLITTER
Opinion Editor

The Asian and Pacific American Law Students Association (APALSA) is one of those clubs that encompasses a very diverse crowd. Philip Pepper, President of the club, tries to organize events that are of interest to everyone, like a pub crawl or a sushi happy hour.

One challenge ethnic law associations face is striking the balance between social relevance and fun. Obviously, law students have a limited attention span, so events must hold their interest. One person that keeps APALSA connected is Professor Izumi. Izumi keeps the club informed on issues that affect the Asian American community. Also, APALSA sets up information sessions about law school for GW undergrads.

APALSA also tries to keep its members up-to-date on relevant legal issues. Soon, the group will join BLSA in sponsoring a debate on hate speech laws. Ultimately, Pepper keeps in mind that law school creates a kind of "vacuum," insulating students from the world at large, and events such as these serve as a means to keep them informed.

Because APALSA is such a large group, one might think that it suffers from gossip. However, Pepper brushes off the idea, arguing that the way to combat gossip is to promote a very friendly group. Part of that friendliness is evidenced by the large number of events for 1L's. One L's find themselves in a new and frightening environment and APALSA goes out of its way to make them feel more at home.

However, sometimes the 1L-centered events leave the 2Ls and 3Ls a little out of the loop. Pepper tries to counter that effect with the APALSA mentor program. Through that program, 2Ls and 3Ls can assist the 1Ls and feel like they are needed.

One may wonder why the law school has two student groups for Asian American students, APALSA and SALSA. SALSA, the South Asian Law Students Association, broke off from APALSA some years ago. Pepper recognizes that there is a need for each ethnic group to have its own forum, but he always includes SALSA in APALSA events by emailing the SALSA officers to keep them up to date. And, Pepper adds, "just remember, APALSA is spicy."

CHEH FROM PAGE 1

on the whole thing is that I cannot believe that a court would not find a way out of this box, when the upshot of saying that double jeopardy had attached would be an invitation for someone to go out and kill," stated Cheh. "I don't think a court would be able to live with that result. The law is flexible enough for a court to find a way out. Double jeopardy is not an ironclad rule under any circumstances." Cheh then placed herself in the role of a hypothetical judge. "If I were the judge, I would be open to arguments that can say, for example, if Libby had been acquitted of the first murder, I would treat the second trial differently. That is to say if she were charged with murdering her husband in the first trial, and we later found out that the husband was never dead, I would treat that as a discovery of new evidence that, even with due diligence, was not discoverable at the time. So that if I later discover that Libby did in fact kill him the second time, I think there would be a double jeopardy exception. And if you would do that if she were acquitted, I wouldn't see why you wouldn't do that if she were convicted."

In short, Cheh would allow for the discovery of newly discovered evidence, that was not discoverable through due diligence at the time of the first trial, as an avenue out of the double jeopardy bind. In addition, some other ideas have been bounced around. Cheh relayed that one idea consisted of setting aside the first conviction, as wrongfully obtained. Then Libby would be tried and convicted the second time, and any time served during her imprisonment under the first conviction would count as credit towards her second sentence.

Professor Cheh's basic conclusion is that "the court would never except an outcome that would be an invitation to murder." If this is true, my initial feeling on *Double Jeopardy* was correct—it is built upon a legally deficient theory. Professor Cheh also thought up an alternative final scene. [In the movie, Libby kills her husband in self-defense.] "Libby kills her husband in cold blood. She is charged with murder, and Libby's attorney files a motion to dismiss. The judge agrees with Libby, and dismisses the case. Libby walks out a free woman." Now that would have been a hell of a ending.

I want to hear your shouts! What is your take on the legal premise of *Double Jeopardy*? E-mail me at "mgeller@law.gwu.edu", and I'll print the best responses in my next column.



Happy
Halloween

Message from the Student Bar Association President

BY NATHAN WILLIAMS
SBAPresident

Greetings from the Student Bar Association! This year the SBA is busy planning many programs to benefit the student body. This column will serve as an information source about those programs.

In an effort to increase the programs available to students, the elected representatives were charged with the task of developing programming for the school. In past years representatives have not been required to program for their constituents. However, with the energy and dedication of this year's pool of representatives we have come up with a myriad of programs throughout the year. They include: attending Flyers and DC United Games, Study Packs for 1Ls, Study Snacks for students during finals, a free lunchtime workout at Gold's Gym, Rock - N - Bowl and lots more. Know that your elected representatives are working hard to meet your interests.

The Alumni Board Meeting was held on Saturday October 11. The Board is focused on getting more Alumni participation. Dean Young was applauded for his efforts and was congratulated on his successes to date. He spoke of the Law school's

exciting and ambitious expansion plans as well as the school's plans to host more intellectual and scholarly conferences, such as Professor Mitchell's Sloan Conference.



More importantly, the Dean finally put an end to the long standing issue of the University taking a large amount of our tuition dollars. A few years ago, when the problem was at its worst, the University signed a contract with the ABA to gradually decrease the amount of tuition revenues that we turnover to the Rice Hall. The Dean told the Alumni that the University has exceeded the requirements of the contract and we are now in a position comparable to our peer institutions.

Due to the high volume of programs that the SBA has planned for the year, we need more volunteers. In order for the quality and quantity to remain at a viable level we need your help. The following are committees who need members, there is no application just drop a note in the respective Director's mailbox: Minority Affairs: Alexandra Rose, 2L Day; Graduate and Alumni Affairs: Timothy Feldhausen, 2L Day; Development: Richard Reiter, 2L Day; Student Services: Jill Klements, 2L Day.

Ticket sales for the Halloween Party will begin on October 18 in the Burns Alcove. The 3L Ski Event is planned for January 7 - 9th, 2000. All students, their spouses and friends are welcome to attend. A deposit of \$20 is required, due on October

20th, in order to reserve your space. Please see the posters on the SBA Bulletin Board for further details. If you have concerns or issues you would like to discuss, attend the SBA Forum, it's your chance to have your voice heard.

SBA
Upcoming
Events

SBA Forum (Gripe Session):
Tuesday, October 19, 1999 in the
Soft Lounge
SKI TRIP Deposit Due (\$20):
Wednesday, October 20, 1999
Halloween Party:
Friday, October 29, 1999 at Poly
Esthers
Alumni/Student Reception:
Thursday, November 18, 1999 at
the Lisner Gallery
Self-Defense Workshop: TBA
Laser Tag Tournament: TBA
Stress Relief Day: TBA
Preparing for Y2K: TBA

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FEATURES

Of Suburbs and Exploding Cows

AMERICAN BEAUTY

Like a majority of GW Law students, I grew up in a suburb. In fact, I grew up in the biggest suburb in the country—Long Island. Every house on my block was a two-story Cape Cod, and most of the houses contained a nuclear family, replete with blacktop driveways, two cars, and a modest front lawn. In the 1950's, this was the American dream, and that's how it was portrayed on television and in the movies. The dysfunctional family is the norm in America today, and television shows like *Roseanne* and *Married With Children* have satirized this everyday view of family life. When you take this basic idea and place it on a higher plain of entertainment, you get with *American Beauty*, directed by Sam Mendes. This is a film that is beautiful, funny, touching, and disturbing, all at the same time.

The amazing Kevin Spacey plays Lester Burnham, a 42-year-old magazine worker who is a self-described loser. Annette Benning, in what might be her best performance, is Carolyn, Lester's emotion-

ally frigid and object-obsessed wife, who also thinks Lester is a loser. They have a teenage daughter, Jane, played by the all grown up Thora Birch. Jane hates both of her parents; Carolyn is in denial about this, while Lester has seemed to have accepted it. Seems like the typical dysfunctional family. But wait, things are just about to get interesting.

Lester is about to accept his marginal role in life, until he meets Angela Hayes, (played by *American Pie*'s Mena Suvari), Jane's cheerleader/model classmate. Lester is instantly infatuated with the gorgeous Angela, and when he finds out that Angela told Jane that she thought Lester was cute, it is like a spiritual awakening. Lester starts working out, but that's not all. He quits his job by blackmailing his twit of a boss. He starts smoking weed. He starts having sexual dreams about Angela, complete with symbolic imagery. To top it off, Angela thinks it would be cool if she bedded Lester, which makes Jane downright nauseated. In short, Lester is having the best mid-life cri-

sis of his life.

Carolyn has her own set of issues. She is failing at her job, and in a moment of pent-up sexual frustration, she has an affair with professional competitor. She is also jealous of Lester's new-found lack of responsibility. Oh, she also buys a gun.

see Mr. and Mrs. Cruise on the screen, I had to sit through some trailers, including one for *Three Kings*. I first saw George Clooney pop up, and my initial "this-is-going-to-blow" alarm starting ringing in my head. Clooney was awful in the fourth *Batman* installment, and since I hadn't seen

From Dusk Till Dawn yet, *Batman*

was the only Clooney movie experience I had taken part in. Then comes Mark Wahlberg. OK, he was pretty good in *Boogie Nights*, but that's it. That alarm is still ringing. Then Ice Cube appears. Ice Cube? From *Anaconda*? Now my alarm is about to pierce my skull. The final tidbit I remember from the trailer is Clooney yelling, "God bless America, and God bless a free Iraq!" When the trailer was about to end, some guy

in the audience shouted, "That is SO bad! (bad as in horrible, not bad is in good)" The audience laughed, while my alarm was still wailing away. *Three Kings* looked like it was going to be the *Wild Wild West* of the Fall. Well, my "this-is-going-to-blow" alarm is usually pretty accurate. However, this was an exception—*Three Kings* is a surprisingly good war movie.

The setting in the Persian Gulf War, a conflict that defines our generation, and a conflict that has hardly touched by Hollywood (does any remember *Courage Under Fire*?) The war is over, and the Americans are celebrating their victory. Wahlberg plays Sgt. Troy Barlow, a reservist who wears a picture of his new baby daughter on his helmet, and the lead party animal in the opening scene. His hillbilly sidekick, Pvt. Conrad Vig, is played by music video director Spike Jonze, who takes a turn on the other side of the camera. Ice Cube plays Chief Elgin, a baggage claim handler who is on a "paid vacation", according to the opening by-lines. While rounding up the surrendering Iraqi troops, they stumble upon a piece of paper protruding from the posterior of one of the Iraqis. The paper looks like a map, but a map of what? In comes Sgt. Maj. Archie Gates, played by Clooney. He determines that the map depicts where Saddam Hussien has hidden a motherload of Kuwaiti gold bullion. The four, under the direction of Gates, decide to steal the gold from Saddam, and come back to the States with more than just some mysterious illness.

So the four "kings" head towards the gold in a humvee. After encountering, among other things, an exploding cow, they reach the village where the gold is, and they just take it. Since there is a cease-fire at the time, reluctant Iraqi soldiers aren't going to put up much of a fight. The Americans, however, receive a bit of sobering news. Seems like the Iraqi nationals, who were asked by former President Bush to rise up against Saddam, are being persecuted and killed by Saddam's military because of their desire for a new Iraqi regime. Unfortunately, the Allied forces aren't going to help. Clooney and company decide to illegally lend a hand to the locals, and that is when all hell breaks loose. Now, instead of the gold, Clooney and company's top priority is these Iraqis.

This movie looked wonderful. Some of the footage seems to have been shot with a grainy quality—this accurately depicts the desert environment. Some of the more artistic scenes were truly revolutionary, espe-

Shouts from the Balcony

by Matthew Geller

As for Jane, she finds some solace with her new next-door neighbor Ricky Fitts, played by relative newcomer Wes Bentley. At first, Wes seems like a real weirdo because he videotapes everything, including Jane. But soon after, Jane warms up to Wes's eccentricities. As for the Fitts', they make the Burnham's look like the Brady Bunch. Dad Fitts, played by Chris Cooper, is a U.S. Marine Colonel, who is homophobic, neo-Nazi nutball who subjects Wes to bi-yearly drug tests. Mom Fitts, played by Allison Janney, seems to be in a living coma. If there were ever a poster girl for battered wife syndrome, this is it. Oh, did I forget to mention that Wes is a drug dealer, the same drug dealer who is selling pot to Lester? Did I also forget to tell you that Wes has done time in a mental institution?

There ends up being a number of intertwined story lines between all of the characters, with some jaw-dropping surprises along the way. And throughout the entire experience, I could not stop laughing. You will almost hate yourself for laughing in some parts, but you can not help it. This is dark comedy at its finest.

At the same time, *American Beauty* is one of the most heartfelt, touching films of the year. It is difficult to pull off a top-notch ensemble comedy—it is almost impossible for it to be a top-notch drama as well. The emotional aspects of the film will stay with you long after you leave the theater. Trust me, it has been a couple of weeks, and I'm still thinking about this movie.

Every actor does a spectacular job here. Don't be surprised if some Golden Globe nominations come their way. And I believe Spacey has a legitimate Oscar shot. Birch appears poised to be the next Christina Ricci. I wish I could have seen more of Bentley in the picture. Finally, Suvari must have one hell of an agent. First *American Pie*, now *American Beauty*. If she keeps going on this pace, she'll be an American superstar.

American Beauty might be the finest film this Fall. There is still a lot of time left, but if a massive Y2K breakdown occurred tomorrow, *American Beauty* would be remembered as the last great film of the millennium. **Grade: A**

THE GULF WAR GETS THE ROYAL TREATMENT

I remember the first time I heard about *Three Kings*. I was at the AMC Theatres at Union Station, eagerly awaiting the start of *Eyes Wide Shut*. But before I could

Ask Brenda & Kelly

Dear Brenda & Kelly: I'm a little tired of my roommates. The problem? All three of them are girls. Our décor is frilly, we're always watching *Fashion Emergency* and I'm tired of *Baked Lays*. Any advice? By the way, I've heard you guys are hot. Manly Mark

K: It's all true. But unfortunately, we can't date advisees. Now, let's get back to your problem. I think it's time to put your foot down. You need a little room for your masculine pursuits, whatever those may be. Talk to your roommates and let them know you've had enough pink. You should be able to put up a poster or stack your beer cans (provided they are neatly stacked and in alphabetical order). But if you're viewing choices consist of *Baywatch* and *Red Shoe Diaries*, I have no sympathy for you. Besides, *Fashion Emergency* is the bomb!

B: Like, get a clue! If your roommates are making you watch *Fashion Emergency* so much, it's probably because they think your wifebeater and Dippity Do combo is a look you need to lose. But I don't think you're embracing the positive aspects of your living situation. For example, your roommates can introduce you to all of their cute girlfriends who will dig a guy sensitive enough to put up with three women. And don't forget about the potential for a threesome (leave the ugly one out!)

Dear Brenda & Kelly: I'm a 3L girl who just has to say: this crop of 1Ls is

the best yet! I've never seen so many good-looking guys. I have narrowed it down to the top five but do you think these young things will be interested in a more mature woman like myself (I'm 26). Horny Harriet

B: I think it all depends on what you look like because I really don't see any 22 year-old guy turning down a hot mama just because she's a few years older. But if raisins have fewer wrinkles than you, there may be a problem. Look, plenty of guys like the idea of an experienced woman revealing all of her secrets and uh, techniques. And in today's world, age just doesn't matter as much as it used to. It's more about common interests and life experiences. But considering your signature, I'm thinking that you're not looking for a meaningful relationship anyway. Hit a bar review, sidle up to someone on your list and give it your best shot. So, um, who's on this list anyway?

K: Hmmm...I think your letter reflects an amazing lack of perception to your situation. You're a 26 year-old third year who is still looking for meaningless sex! You're almost 30! You're twenties are practically over and you're not getting any perkier. It's time to get serious and start thinking long term. If there is any chance that you want to actually settle down someday, you need to start looking now. I hear it's slim pickings at 30. Of course, I really wouldn't know anything about that.

Write to Brenda & Kelly with your concerns, anxieties, drug problems, anything you like, and if you're really lucky, these two hipsters may even respond!

LEGAL CLINICS

From the Immigration Clinic . . . **KINGS FROM 5**

BY: PROFESSOR ALBERTO
MANUEL BENÍTEZ

*Administrative Review of
Adversed Immigration
Judge Decisions*

In the ongoing debate over this nation's immigration policy, one contentious topic is the degree of administrative review that Congress should afford to aliens who have had applications for relief from removal denied by immigration judges ("IJs"). Currently aliens are entitled to mandatory administrative review of adverse IJ decisions by the Board of Immigration Appeals ("BIA"). However, administrative review for aliens is not carved in stone. In 1996 Congress enacted, and President Clinton signed, the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA"), which virtually eliminated judicial review of immigration cases. In late 1998 the BIA issued proposed federal regulations aimed at restricting its administrative review authority. Opponents of these regulations, myself included, were successful in preventing their adoption.

Proponents of clamping down on administrative review argue, among other things, that it's necessary to do so because the status quo invites frivolous appeals, which result in unreasonable delays in executing the removal of aliens from the U.S. It's true that some aliens file appeals with the single intention of prolonging removal. However, pro se appeals are typically cursory filings, and the BIA has the regulatory power to summarily dispose of them if

they're groundless. Of greater concern to me is that small number of immigration attorneys that routinely file frivolous appeals on behalf of their clients. How do I define frivolous? It's if the sole purpose of the appeal is to delay removal. I'll defer for another day discussion of the ethical issues raised by the conduct of these attorneys. In any event, these situations are rare. Dilatory appeals comprise an insignificant percentage of the BIA's docket. The clear majority of the appeals filed with the BIA by pro se aliens and immigration attorneys are well-grounded in law and fact, and as you'll see, they seek to reverse patently erroneous IJ decisions.



A Story of Delay

The other day I received a decision from the BIA. The client is a citizen and national of Jordan that I represented while I was a clinician at Northwestern Law School. She was admitted to the U.S. as a visitor for pleasure on November 23, 1987, but she failed to depart at the conclusion of her authorized stay. The client was raised as a Muslim in Jordan, but in 1990 she abandoned that religion and became a Jehovah's Witness. In 1993 INS placed her in deportation proceedings, and she asked

me to represent her. She explained to me that she feared being returned to Jordan because as an apostate - one who abandoned the Islamic religion - she would be subject to persecution there. When I asked her how the Jordanian government, or ordinary Jordanian citizens, could possibly learn of her apostasy the client responded that her newfound faith was so sincere that she would openly practice it there. I assigned a student, Dawn Hambly, to the case, and I asked her to research the legal and factual claims raised by the client. Soon Dawn informed me that the client's fears were justified. Newspaper articles and reports from credible, objective sources reported instances of harsh treatment inflicted on apostates by the Jordanian authorities. One article cited the story of a man who, after abandoning Islam and becoming a Christian, had his children taken away by the Jordanian government. He was put on trial, during which the prosecutor argued that the man's "blood should be spilled." He was sentenced to a term in prison.

Dawn and I agreed to represent the client. Dawn prepared and filed the political asylum application, which was supplemented by the articles and reports. The hearing took place on May 17, 1993. Dawn conducted the hearing and she did a superb job. The client's testimony was compelling, and the IJ never questioned her credibility. But he denied the application. The IJ disregarded the testimony as well as the articles and reports. He found that there was no proof presented that the Jordanian gov-

See IMMIGRATION page 7

cially the scene where we see what happens when a bullet enters the body . . . from inside the body cavity. Furthermore, the overall realism of the film laid out a solid foundation. From the burning oil wells, to the hoarding of technological gadgets by the Iraqis, to the ever-present Western press, personified wonderfully by CNN-like reporter Adriana Cruz (SNL alum Nora Dunn), the audience gets to see a more intimate side of the war.

Wahlberg and Ice Cube do an excellent job here. They both have increased their screen presence and artistic range. I was never a big George Clooney fan, and I'm still not. He does an adequate job, but he still hasn't risen to the level of top-tier male lead actor. The finest and funniest moments are provided by Jonze as the typical good ol' boy sidekick. Now we know why all those Beastie Boys videos are so hilarious.

Three Kings will make you laugh, but it will also make you reevaluate the United States' reason for entering the Gulf War, and the goals it wanted to achieve. If you have a high Clooney tolerance, you will love this film; if you don't, you'll still come out of theater better off than when you entered.

Grade: B+

Judicial Clerkships Meeting featuring Alumni Panel

Wednesday, October 27
4pm Rm. L401

Community Legal Clinics Sponsor Open House

BY: PROFESSOR JEFFERY GUTMAN

The Community Legal Clinics will be sponsoring an open house on Tuesday, November 2nd, from 4:00 to 6:00 p.m. in the Moot Court room. Deans Young and Sirulnik, clinical faculty and current students will describe our many fine clinical courses and offer their views on why students should seriously consider taking one. Information on the nuts and bolts of applying for the clinics will be provided and faculty and students will be on hand to answer student questions. In addition, students will staff a table in the Burns Alcove on November 1-2 and November 8-9 to provide information on clinical opportunities and to relate their experiences.

The following clinical courses will be offered in the Spring, 2000 semester:

Consumer Mediation Clinic
(Law 620-25)
Small Business Clinic
(Law 621-25)
Domestic Violence Litigation Clinic
(Law 628-25)

*Domestic Violence Emergency
Department Clinic*
(Law 629-25)
Immigration Clinic Law
(Law 630-25)
Health Law Rights Clinic
(Law 631-25)
Administrative Advocacy Clinic
(Law 632-25)
Outside Placement
(Law 633-25)

Both second and third year students are eligible to take these courses so long as any pre-requisites are satisfied. No pre-requisites are required for Consumer Mediation, Domestic Violence Emergency Department, Health Rights Law, or Administrative Advocacy Clinic. Outside Placement has no pre-requisites. Students must have completed Immigration Law to take the Immigration Clinic. Evidence and Criminal Procedure are required for the Domestic Violence Litigation Clinic. Students must have taken Corporations and Federal Income Tax to qualify for the Small Business Clinic.

THE FEDERALIST SOCIETY
for Law & Public Policy Studies
George Washington University
Law School Chapter
Presents



J. MADISON

"SEPARATION OF POWERS: MAY CONGRESS DISPLACE MIRANDA V. ARIZONA THROUGH ORDINARY LEGISLATION?"

A Debate Featuring

PAUL D. KAMENAR
of the Washington Legal Foundation
for the affirmative answer

v.

PROFESSOR MARY M. CHEH
of the George Washington University Law School
for the negative answer

OCTOBER 27, 1999
1 p.m. Rm. LL101

Clinics! This is your page!

If you would like to be featured on this page,
please contact

Heather Fish, 3L Day, or call our office at
(202) 676-3879.

Small & Medium Law Firm Panel

The CDO invites all students to attend a panel of
GW alums who work for small & medium firms
Thursday, October 21st at 4:15 in room S305

LIBRARY PAGE

Jacob Burns Law Library News

Exams On-Line

Eager to see some old exams? All exams deposited by GW Law professors with the library are available online (as well as at the Circulation Desk) at <http://www.law.gwu.edu>

1. Click on RESOURCES
2. Click on Old Exams On-Line (right column, first entry)

Exams are sorted by professor name, course name and course number. All exams are PDF (portable document format) documents and require Adobe Acrobat Reader to view (available at no cost from <http://www.adobe.com/products/acrobat/readstep.html>). Please note that these exams are accessible *only* from:

1. computers located inside GW law school buildings, or
2. computers using the dial-in connection provided by the law school (instructions available at the Circulation Desk).

TIP: If you want to save the exam to floppy instead of printing it, hold down the <Shift> key as you click on the link. A "Save As" dialogue box will appear. Just specify the appropriate drive and file name. Click OK. Most, but not all, of the exams will fit on a floppy.

Law School E-mail - who to contact for technical problems

Having problems with law school email?

New users of the law school email system may encounter some difficulties in using their accounts. Questions on use should still be directed to the library computer staff at 202-994-7806, but technical problems (such as a sudden inability to login) should be directed to the Law School Computer Center (202-994-5772).

Help the computer labs run smoothly - please report problems!!

Printers not working? Computers crashing? If so, please let the library computer staff know!

Although we regularly check the computer lab, the more subtle problems (such as software glitches) can escape our notice unless reported. Computer assistants are available during most library hours, and the **Help Phone** in the larger lab can be used to report problems as well.

If you have any suggestions or problems for the computer services staff, please call or email Jeff DeGrasse, Computer Specialist (202-994-7806 or jdegrasse@burns.nlc.gwu.edu).

Quick Computer Questions and Answers

Q: Can I change my password for my law school email account?

A: Not yet, but the law school is working on it. Once the procedure is ironed out, instructions will be posted in the lab.

Q: Can I use my iMac laptop with aSnap Law (laptop ports in the library)?

A: Yes, as long as you have an ethernet card and a cable. Instructions are available at the Circulation Desk and in the computer lab.

Suggestions welcome!

If you have any other questions or suggestions for the library staff, please feel free to put a suggestion in the library's suggestion box (located next to the **Book Return** slot at the Circulation Desk).

Library Research Sessions Fall 1999

If you are interested in sharpening or extending your research skills, the Jacob Burns Law Library invites you to attend one or more of its Fall 1999 Library Research Programs. Sessions will be taught by reference librarians, who will discuss and demonstrate a variety of print and electronic research sources.

Enrollment for each of these classes is limited. Please use the sign up sheets at the Reference Desk on the first floor of the Library or send an e-mail message to the instructor listed for the program(s) you wish to attend. If space limitations prevent you from attending a particular session, the Library will try to schedule a repeat of the program at a later date.

Researching the Legislative History of Federal Environmental Statutes.

Date: Tuesday, October 19, 1999

Time: 1:30pm-2:30pm

Location: SL110 (Stockton Cellar in the Library)

Instructor: Germaine Leahy, Head of Reference/Environment Librarian, gleahy@burns.nlc.gwu.edu
Where in the World? An International Law Research Primer

Date: Thursday, October 21, 1999

Time: 2-3pm

Location: SL110 (Stockton Cellar in the Library)

Instructor: Herb Somers, Foreign/International Law Librarian, hsomers@burns.nlc.gwu.edu

Taking the Blues Out of the Bluebook (see below)

Feeling Overwhelmed by the Bluebook? For a practical introduction to the "Bible" of legal citation, join librarians Herb Somers and Leonard Klein for the library research session, "Taking the Blues Out of the Bluebook" on Thursday, November 4, 1-2pm in SL110, Stockton Cellar in the Library.

Topics covered include: finding and applying Bluebook rules; the Bluebook as a source for abbreviations; how to cite online materials; and aids to understanding and using the Bluebook. Any student interested in becoming

more comfortable with the Bluebook will benefit from attending this session.

To enroll, use the sign-up book at the reference desk or send an e-mail message to Herb Somers at hsomers@burns.nlc.gwu.edu

Government Contracts Research on the Web: Starting Points

The Internet is an invaluable tool for researching government contracts law. Many of the best government contracts web sites are produced and maintained by federal government agencies. This ownership adds credibility and reliability to the information found on the particular site.

Some government contracts documents, such as the *Department of Defense Federal Acquisition Regulation Supplement* (DFARS) are only available on the web. In October 1998, the Department of Defense ceased producing a print version of the DFARS. The official source for the DFARS is the web. The web address for the DFARS is: <http://www.acq.osd.mil/dp/dars/dfars/dfars.html>

The most comprehensive way to begin researching government contracts law via the Internet is to use a gateway site. Gateways, as the name implies, provide links to other sites. In government contracts law research, gateways provide one location through which the researcher can obtain a variety of government contracts documents, such as statutes, regulations and administrative decisions as well as links to other procurement web sites.

Two gateways that provide excellent starting points for government contract law research are:

Acquisition Reform Network (ARNET) Web site address: <http://www.arnet.gov>

ARNET was created and is maintained by the Office of Federal Procurement Policy (OFPP) within the Office of Management and Budget (OMB). OFPP seeks to improve the way in which the federal government obtains goods and services. *The Virtual Library*, accessible through the ARNET site, provides links to the following government contracts resources: pre-solicitation, solicitation, award, contract administration, laws, policies, forms, and regulations. Many of these links provide the full text of important government contracts materials as: Federal Acquisitions Regulations (FAR); Office of Federal Procurement Policy (OFPP) policy letters; and lists of parties excluded from federal procurement and non-procurement programs.

Federal Acquisition Jumpstation

Web site address: <http://nais.nasa.gov/fedproc> was created and is maintained by the National Aeronautics and Space Administration Acquisition Internet Service (NAIS). The site provides links to the procurement and contracting pages of federal executive agencies. Agencies are listed alphabetically by name. A Procurement Reference Library provides links to the FAR, FAR Supplements, other procurement web sites, electronic commerce web sites, and business assistance web sites.



IMMIGRATION FROM PAGE 6

ernment actually persecuted apostates from Islam. Thus, he opined, the client possessed no well-founded fear of persecution. With the client's approval, Dawn and I filed an appeal to the BIA. Dawn's memorandum of law in support of the appeal was filed on October 15, 1993. And that was the last I heard of the case until the other day.

The BIA's decision is dated September 15, 1999. It orders the case remanded to the IJ. A victory for the client, sort of. The decision directly contradicts the IJ.

The BIA rules that the supporting articles and reports do tend to support the objective possibility that the client would be persecuted in Jordan. Although it has the authority to grant the asylum application, the BIA declines to do so because, it says, the articles and reports are outdated. (This material is dated 1992. I sarcastically submit that it was current on May 17, 1993.) It directs the client to appear before the IJ - it'll be the same one that denied her application in May of 1993 - and present updated materials to corroborate her claim.

Another hearing date will be scheduled.

This case is being handled by another lawyer now. But I can't help but wonder. Where is the client nowadays? Is her claim still viable? The articles and reports that Dawn submitted to the IJ on May 17, 1993, are outdated because the BIA took almost six years to adjudicate this appeal. Why should the client's application be adversely impacted because the BIA took so long? Doesn't this degree of delay render meaningless the entire concept of administrative review? In recent years the BIA has in-

creased from five to eighteen members, and its staff attorney corps has significantly grown as well. Increased resources should translate into efficient adjudication. Obviously it hasn't, because the length of time it took to adjudicate this appeal is common. This is merely the most recent such case that I've encountered.

After six years of purported administrative review Dawn is a successful litigator at a firm in the suburbs of Chicago, and I've moved on to GW. Yet the client still is at risk of being returned to Jordan.

Time is Running Out! Write for Nota Bene

Our next issue will be out: Wednesday, November 3, 1999

deadline for submissions is Thursday, October 25

Questions? call 202-676-3879

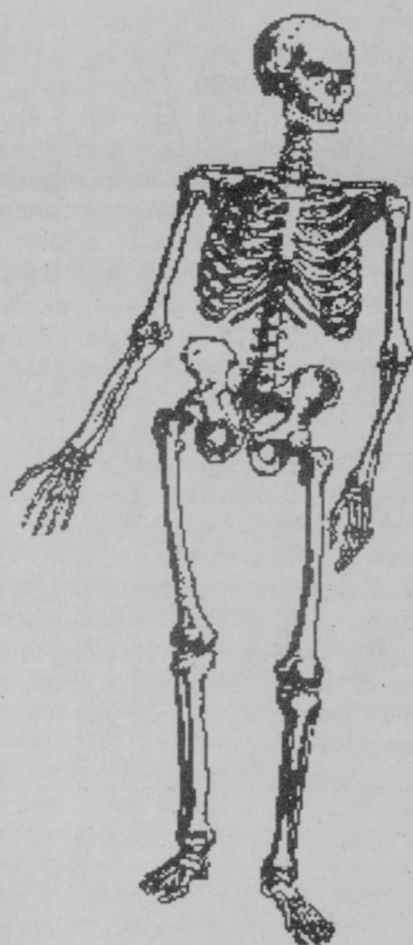




HALLOWEEN PARTY

Polly Esther's Culture Club

1115 F Street, NW, between 11th & 12th



**FRIDAY,
OCTOBER 29**

9 PM TO 3 AM

OPEN BAR

9 TO 11

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COSTUME CONTEST

@ 10:30

Tickets only \$10 -- on sale all week in the Burn's Alcove

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